NEBRASKA DEPARTMENT OF INSURANCE

DEC 2 8 2001

BEFORE THE DEPARTMENT OF INSURANCE STATE OF NEBRASKA

FILED

| STATE OF NEBRASKA |) | |
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| DEPARTMENT OF INSURANCE, | , | FINDINGS OF FACT, |
| PETITIONER, |) | CONCLUSIONS OF LAW, RECOMMENDED ORDER |
| VS. |) | AND ORDER |
| BERNARD GORDON, |) | CAUSE NO. AR-1443 |
| RESPONDENT. |) | |

This matter came on for hearing on the 18th day of December, 2001, before Eric B. Dunning, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Christine M. Neighbors. Bernard Gordon ("Respondent") was not present and was not represented by an attorney. The proceedings were tape recorded by Stacey Bellefeuille, a licensed Notary Public. Evidence was introduced and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

- 1. Respondent is a licensed non-resident Nebraska insurance producer whose current registered address with the Department is 4010 Dupont Circle, Suite 380B, Louisville, KY 40207.
- 2. The Department is the agency of the State of Nebraska charged with licensing insurance producers and brokers.

- 3. On or about November 19, 2001, the Petition and Notice of Hearing were served upon Respondent by mailing the same to his address of record by certified mail, return receipt requested. The Petition and Notice of Hearing were received on November 28, 2001 as evidenced by the certified return card attached to Exhibit 2.
- 4. On or about November 7, 2001, Beverly Creager, the Administrator of the Licensing Division of the Department, received a certified copy of an Agreed Order of Revocation entered into between Respondent and Janie Miller, Commissioner of the Kentucky Department of Insurance. In said Order, the Kentucky Department alleged Respondent engaged in a continuing and ongoing pattern of insurance activity involving multiple acts of illegal dealing in insurance premiums. Respondent agreed to immediately surrender his insurance licenses and pay full restitution to all affected parties.

CONCLUSIONS OF LAW

- 1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to Neb. Rev. Stat. §44101.01 and §44-4047 et seq.
 - 2. The Department has personal jurisdiction over Respondent.
 - 3. Respondent violated Neb. Rev. Stat. §44-4059(1)(i).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's non-resident insurance producer's license be revoked.

Dated this 26 day of December, 2001.

STATE OF NEBRASKA DEPARTMENT OF INSURANCE

HEARING OFFICER

CERTIFICATE OFADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of the State of Nebraska Department of Insurance v. Bernard Gordon, Cause No.: AR-1443.

Dated this different day of December, 2001.

STATE OF NEBRASKA DEPARTMENT OF INSURANCE

Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order and Order was served upon Respondent by mailing a copy to Respondent at 4010 Dupont Circle, Suite 308B, Louisville, KY 40207 by certified mail, return receipt requested, on this Alba day of December, 2001.

Stacy M. Bruffull